

Appl. No. 10/673,279 Taylor Reply filed July 8, 2004 to Office
Action dated 4/9/04

REMARKS/ARGUMENTS

This application has been carefully considered in light of the Initial Office Action issued by the Examiner on April 9, 2004. In the Initial Office Action, the Examiner has rejected claim 1 under 35 U.S.C. 102(b) as being directly anticipated by U.S. Pat. 6,547,423 to Marshall et al. Claim 3, 15, 16, 19 and 20 have been rejected under 35 U.S.C. 103(a) as being obvious and therefore unpatentable over the reference to Marshall et al. when further considered in view of U.S. Pat. 4,466,050 to Lockard.

Claims 2 and 17 have been rejected under 35 U.S.C. 103(a) as being obvious and therefore unpatentable over the primary reference to Marshall et al when further considered in view of U.S. Pat. 5,813,743 to Naka.

The Examiner has indicated that claims 4-14 and 18 are directed to allowable subject matter and are objected to as being dependent from a rejected base claim.

In rejecting claim 1 over the reference to Marshall et al, the Examiner has stated that the limitation in claim 1 as originally filed with respect to a lambertion pattern of light is inherent with respect to light emitted from a diode source. However, whether or not it is inherent in a diode source, it is not inherent within the lens system of the cited reference. Marshall et al. is specifically directed to providing a lens

Appl. No. 10/673,279 Taylor Reply filed July 8, 2004 to Office Action dated 4/9/04

which results in a collimated light source. The portion of the application which was referenced in the office action makes it clear that the light which is reflected from the inner surface of the lens is specifically reflected so as to exit from the lens in a parallel collimated manner. This feature is an important inventive element of the cited reference to Marshall et al. forming a basis for the overall invention. It is noted that in the primary claim of the reference to Marshall et al., it is specifically claimed that "said outer reflective wall being configured in accordance with the structure of said inner refractive wall to achieve substantial collimation of light generated by the LED."

In view of the foregoing, it is respectfully submitted that the lens system of the reference to Marshall et al. specifically teaches away from the present invention. It is the specific inventive intent of the structure and teachings of the reference to Marshall et al. to provide a lens having an inner reflecting surfaces which results in a transmission of collimated light from an LED. This is contrary to the teachings of the present invention wherein the desire is to have a non-collimated light issuing from the lens. In order to more clearly emphasize the difference between the two inventions, claim 1 has been amended to specifically incorporate the term "non-collimated".

Appl. No. 10/673,279 Taylor Reply filed July 8, 2004 to Office
Action dated 4/9/04

In view of the foregoing, reconsideration on the grounds for rejection under 35 U.S.C. 102(b) is respectfully requested.

The combined rejection over Marshall et al. and Lockard has also been considered. However, it is respectfully submitted that one of ordinary skill in the art would not look to the teachings of the reference to Lockard to modify a lens as shown in the reference to Marshall et al. The features of Lockard which are being relied upon involve the use of keywords only, without regard to the intent and the overall use of the invention disclosed in Lockard as compared to the invention disclosed in Marshall et al.

It is respectfully submitted that one of ordinary skill in the lens art would not look to modify the lens of Marshall et al. by any of the teachings of a display system as shown in Lockard. Lockard uses generic terms, such as "flanges" and shows "flanges" on a lens, but the lens is not otherwise described and its optical characteristics are not known. Further, the function of the lens shown in the reference to Lockard is not the function for which the term "flange" is utilized in the present application and claims.

It is well established that in making a combination rejection, it is improper to merely extract several elements from one reference and combine them with a second reference without there being incentive in the references themselves to suggest the

Appl. No. 10/673,279 Taylor Reply filed July 8, 2004 to Office
Action dated 4/9/04

desire for such a combination. It is respectfully submitted that there is no suggested desire for using any of the elements disclosed in Lockard to modify the lens of Marshall et al.

With specific respect to the rejection of applicants' claim 3, the Examiner stated that Lockard discloses a guide flange 80 and that it would be obvious to modify Marshall et al. to include such a guide flange. However, if one were to incorporate the structure of flange 80 in the reference, the flange would extend across the face of the lens. This is clearly not the intent of Marshall et al., and thus, there is no suggestion for making such a combination. The provision of such a flange on the face of the lens of Marshall et al. would destroy its intended use.

It is respectfully submitted that the flange 80 disclosed in Lockard is not a guide flange within the meaning of the present invention and as set forth in applicants' claims. A guide flange in accordance with the teachings of the present invention provides a means for guiding the lens relative to a holder. No such guiding is taught in the reference to Lockard and Lockard actually defines the element 80 as only being a stepped flanged surface. See column 4, lines 27 and 28.

It should further be noted that in making the combination rejection with respect to applicants' claimed guide flange, the Examiner has indicated that it would be obvious to combine such a

Appl. No. 10/673,279 Taylor Reply filed July 8, 2004 to Office Action dated 4/9/04

flange in Marshall et al. for purposes of obtaining a maximum degree of backlight illumination. However, the purpose of the guide flange of the present invention is not to maximize the degree of backlighting of the lens but rather to insure that the lens is properly seated within a holder and to prevent any shear which may result in an inadvertent separating of the LED light source from the lens caused by an inadvertent rotation of the lens in the housing or holder. A guide flange prevents this relative movement.

Neither the primary nor the secondary references anticipate the use for which guide flange is required and they certainly do not teach the utility which is provided by the provision of the at least one guide flange of the present invention.

With respect to the rejection of claim 19, the Examiner has stated that the reference to Marshall et al. discloses an annular lip extending radially outwardly relative to the front face of the body. Again, it is suggested that such an interpretation cannot be given to the structure of the lens shown in Marshall et al. Marshall et al. only provides for an annular edge created between the intersection of the front face and the side walls of the lens. There is no teaching of providing any type of lip or bead or extension which goes beyond an outward relative to the side wall relative to the front face, as is the case with the

Appl. No. 10/673,279 Taylor Reply filed July 8, 2004 to Office Action dated 4/9/04

present invention. There is no similar or equivalent structure provided in Marshall et al. which would anticipate the annular lip 24 disclosed in applicants' specification and shown in applicants' drawings which is specifically provided for mounting purposes. No such mounting flange lip or the like is disclosed in the reference to Marshall et al. Therefore reconsideration of the grounds for rejection of claim 19 is also respectfully requested.

Claims 2 and 17 have been rejected over the combination of Marshall et al. and Naka. Again, however, it is respectfully submitted that one of ordinary skill in the lens art would not combine the beam mangles disclosed in the reference to Naka to modify the lens of Marshall et al. because this would destroy the inventive features of the lens of Marshall et al. It is not proper to combine elements of a secondary reference with a primary reference if the combination would result in destroying the inventive characteristics of the primary reference.

As discussed above, Marshall et al. is directed to a lens which is specifically designed to provide for a collimation of light issuing from the lens. To suggest that one of ordinary skill in the art would modify such a lens by providing different beam mangles would not seem to be an obvious modification of the primary reference. Marshall et al. actually teaches a way from

Appl. No. 10/673,279 Taylor Reply filed July 8, 2004 to Office
Action dated 4/9/04

the proposed combination and therefore cannot serve as the basis
for the combination rejection.

In view of the foregoing, reconsideration on the grounds for
rejections with respect to claims 2 and 17 is also respectfully
requested.

In view of the foregoing, it is believed that all claims
currently pending are distinguishable with respect to the prior
art for the reasons discussed above.

An earnest effort has been made to place the application in
condition for allowance which action is solicited. Should the
Examiner have any questions concerning this response, the
amendments to the claims or the allowability of the claims with
respect to the prior art, it would be appreciated if the Examiner
would contact the undersigned attorney of record at the telephone
number shown below for purposes of scheduling a personal
interview prior to taking any action which may be considered
final.

Respectfully submitted,

DOWELL & DOWELL, P.C.

By 

Ralph A. Dowell, Reg. No. 26,868

Date: July 8, 2004

DOWELL & DOWELL, P.C.

Suite 309, 1215 Jefferson Davis Highway
Arlington, VA 22202

Telephone - 703 415-2555

Facsimile - 703 415-2559